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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$599,600.00 IN U.S. CURRENCY,

Defendant.

No. 2:19-cv-00088-JLS (AFMx)

**STIPULATION AND REQUEST TO
VACATE STAY IN THE CIVIL
FORFEITURE CASE; [PROPOSED]
ORDER LODGED CONCURRENTLY
HEREWITH**

NICHOLAS BEUGG,

Claimant.

Plaintiff United States of America ("the government") and
claimant Nicholas Beugg ("claimant"), by the signatures of their
attorneys hereunder, stipulate and request that the stay in this
action be vacated and that this case be restored to the Court's

1 active caseload. This stipulation and request is made on the
2 following grounds:

3 1. The civil forfeiture action was commenced on January 4,
4 2019. The government alleges that the defendant \$599,600.00 in U.S.
5 Currency (the "defendant currency"), seized on August 23, 2017 during
6 a traffic stop, is subject to forfeiture pursuant to 21 U.S.C. §
7 881(a)(6) because it represents or is traceable to the proceeds of
8 one or more violation of Title 21, United States Code, or was
9 intended to be used in one or more exchanges for a controlled
10 substance or listed chemical, in violation of 21 U.S.C. § 841 *et.*
11 *seq.*

12 2. On May 3, 2019, the claimant filed a claim for return of
13 the defendant currency. Dkt. 16.

14 3. On May 21, 2019, this action was stayed pursuant to 18
15 U.S.C. § 981(g), the stipulation of the parties, and for good cause,
16 pending the conclusion of a related criminal investigation. The
17 government represented that the criminal investigation and the civil
18 forfeiture litigation arose from the same facts and would involve
19 many of the same issues of fact and law. Dkt. 22.

20 4. The government represents that the criminal investigation
21 has concluded.

22 5. As the criminal investigation has concluded, there is no
23 need to extend the stay in this matter. Accordingly, the parties
24 respectfully request that the Court lift the stay in this civil
25 forfeiture action.

26 6. When this civil forfeiture case was stayed claimant had
27 filed a claim to the defendant currency (dkt. 16) but claimant had
28 not filed an answer nor a Fed. R. Civ. P. 12 motion in response to

1 the complaint. Pursuant to Supplemental Rule G(5)(b) of the
2 Supplemental Rules for Admiralty or Maritime Claims and Asset
3 Forfeiture Actions, a claimant must file an answer or a Fed. R. Civ.
4 P. 12 motion in response to the complaint within 21 days after filing
5 a claim. Accordingly, the government requests that the Court enter
6 the order, lodged concurrently herewith, lifting the stay of this
7 action and requiring claimant to file his answer or a Fed. R. Civ. P.
8 12 motion within 21 days after the order lifting stay is filed.

9 Dated: February 25, 2020 Respectfully Submitted

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18 /s/ Brent A. Whittlesey
19 BRENT A. WHITTLESEY
20 Assistant United States Attorney

21 Attorneys for Plaintiff
22 UNITED STATES OF AMERICA

23 Dated: February 24, 2020 LAW OFFICE OF ERIC HONIG

24 /s/ Eric Honig
25 ERIC HONIG, Esq.

26 Attorney for Claimant
27 NICHOLAS BEUGG
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